

WAIVER OF SERVICE OF SUMMONS

TO: _____
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I acknowledge receipt of your request that I waive service of a summons in the action of

_____, which is case number _____
(CAPTION OF ACTION) (DOCKET NUMBER)

in the United States District Court for the _____ District of

_____. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after _____,
(DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

DATE _____
SIGNATURE

Printed/Typed Name: _____

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

APPLICATION FOR ADMISSION
TO PRACTICE LAW
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA

FULL NAME	BIRTH DATE	SOCIAL SECURITY NUMBER
LAW FIRM NAME		
OFFICE ADDRESS	HOME ADDRESS	
OFFICE PHONE NUMBER	HOME PHONE NUMBER	

ADMISSION TO STATE BAR ASSOCIATIONS _____

NOTE: YOU MUST BE AN ACTIVE MEMBER OF THE SOUTH DAKOTA STATE BAR
ASSOCIATION TO BE ADMITTED TO THE FEDERAL BAR OF THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA

COLLEGE(S): _____ YEAR GRADUATED _____
UNDERGRADUATE

LAW SCHOOL: _____ YEAR GRADUATED _____

STATE IF ANY DISCIPLINARY OR GRIEVANCE PROCEDURES HAVE BEEN INITIATED AGAINST
YOU: YES _____ NO _____

IF YES, PLEASE STATE WHERE, WHEN, BASIS AND RESOLUTION _____

REFERENCES: 1) _____ NAME _____ _____ ADDRESS _____ PHONE NUMBER _____	2) _____ NAME _____ _____ ADDRESS _____ PHONE NUMBER _____
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NOTE: REFERENCES MUST BE MEMBERS IN GOOD STANDING OF THE FEDERAL BAR,
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA

DISTRICT COURT USE ONLY:

_____ South Dakota State Bar Contacted on _____.
_____ Applicant is member in good standing of the South Dakota State Bar.
_____ References are members in good standing of the Federal Bar.

_____ Additional Notes _____

DEPUTY CLERK

AUTHORIZATION TO RELEASE INFORMATION
(PRIVATE PERSON OR ORGANIZATION)
TO UNITED STATES DISTRICT COURT OFFICER

TO WHOM IT MAY CONCERN:

I, _____, the undersigned, hereby authorize the Clerk, United States District Court for the District of South Dakota or its authorized representative(s) or employee(s), bearing this release or copy thereof, to obtain any information in your files pertaining to my:

Employment; and

Education Records (including but not limited to
academic achievement, attendance, athletic, personal
history, and disciplinary records

I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the United States District Court's official use.

I hereby release you, as custodian of such records, any school, college, university, or other educational institution; any employer, or retail business establishment including its officers, employees, or related personnel both individually and collectively, from any and all liability for damages of whatever kind which may at any time result to me, my heirs, family, or associates because of compliance with this authorization and request for information or any other attempt to comply with it.

The information hereby obtained by the aforementioned District Court Office is to be used only for the purpose of admission to United States District court for the practice of law as an officer of the Court.

(AUTHORIZING SIGNATURE-FULL NAME)

(DATE)

(FULL NAME-PRINTED OR TYPED)